

REMARKS/ARGUMENTS

On page 2 of the October, 2003 office action, it is indicated that the IDS filed on October 18, 2002 fails to comply with 37 CFR 1.98(a)(2), thus, the references listed therein have not been considered. Another IDS is being submitted herewith including a copy of all of the listed patents/publications.

Claims 1-19 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of copending patent application number 10/136,583. A terminal disclaimer is submitted herewith and is believed to overcome this rejection.

Claims 1-19 remain in the subject application. Claims 1, 12 and 18 are amended as recited hereinabove.

Claims 1-19 have been rejected under 35 U.S.C. 102(e) as being anticipated by Conley et al., U.S. Patent No. 6,426,893. It is believed that these claims, as amended hereinabove, are patentable over Conley et al. For example, Conley et al. does not teach, "the controller device for re-writing said sector only on a bit-by-bit, byte-by-byte or word-for-word basis and only as to those locations in the sector that have been modified", as recited in the claimed invention. Col. 6, lines 12-30 has been referenced on page 4 of the office action as support for Conley et al. teaching re-writing the sector on a bit-by-bit, byte-by-byte or word-for-word basis, however, it is respectfully submitted that the latter is not disclosed therein, nor is it disclosed anywhere in Conley et al. Therefore, it is believed that, for the foregoing reasons and others, the claimed invention, as recited in independent claims 1, 12, 17, 18 and 19, are patentable over Conley et al. and it is further believed that all claims depending therefrom are necessarily patentable.

Accordingly, reconsideration and allowance of claims 1-19 are hereby respectfully requested. Applicants submit that the subject application is now in condition for allowance and an early notice thereof is respectfully requested. Should any further amendment be required prior to passing the application to issue, the Examiner is respectfully invited to contact the undersigned by telephone at the number set out below.

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Application No. 10/054,451
Amendment dated March 5, 2004
Reply to Non-Final Office Action of October 6, 2003

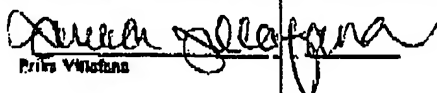
Respectfully submitted,
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I hereby certify that this correspondence with all attachments is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop For Amendment, Commissioner for Patents, P.O. Box 1450, Arlington VA 22313-1450 on March 5, 2004 by Priya Villalobos


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